

EXHIBIT O

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

IN THE UNITED STATES COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

~~~~~

IN RE: NATIONAL PRESCRIPTION  
OPIATE LITIGATION MDL No. 2804  
Case No.  
17-mdl-2804  
Judge Dan Polster

This document relates to:  
The County of Cuyahoga, Ohio, et al., v.  
Purdue Pharma L.P., et al.,  
Case No. 1:17-OP-45004 (N.D. Ohio)

~~~~~

Videotaped deposition of
DEREK SIEGLE
January 23, 2019
9:20 a.m.

Taken at:
Baker Hostetler, LLP
127 Public Square, Suite 2000
Cleveland, Ohio
Wendy L. Klauss, RPR

1 THE VIDEOGRAPHER: It is 9:20 a.m.
2 We are on the record. Will the court reporter
3 please swear in the witness.

4 DEREK SIEGLE, of lawful age, called
5 for examination, as provided by the Statute,
6 being by me first duly sworn, as hereinafter
7 certified, deposed and said as follows:

8 MR. RAIOLA: Stephen Raiola,
9 Covington & Burling, on behalf of McKesson.

10 MR. STEPHENS: Neal Stephens, from
11 Jones Day, on behalf of Walmart.

12 MR. O'BRIEN: Greg O'Brien, Taft
13 Stettinius & Holster, here representing Derek
14 Siegle.

15 THE NOTARY: On the phone, please.

16 MS. HAJIAN: Neda Hajian, from
17 Arnold & Porter, on behalf of Endo and Par.

18 MR. MILLER: Hayden Miller, from
19 Ropes & Gray, on behalf of Mallinckrodt LLC and
20 SpecGx LLC.

21 EXAMINATION OF DEREK SIEGLE

22 BY MR. RAIOLA:

23 Q. Good morning, Mr. Siegel.

24 A. Good morning.

25 Q. Thank you for being here today. As

1 from Walsh College in 1982.

2 Q. Do you have any higher education
3 after that?

4 A. No, I don't.

5 Q. Any certifications or training?

6 A. I've been through the police
7 academy here in Ohio and the FBI academy.

8 Q. Where are you employed currently?

9 A. The Ohio HIDTA, High Intensity Drug
10 Trafficking Area Program.

11 Q. And HIDTA would be the acronym --

12 A. Acronym.

13 Q. -- for High Intensity Drug
14 Trafficking Area Program, correct?

15 A. Yes, sir.

16 I'm actually an employee of the
17 City of Independence, because they act as our
18 fiduciary.

19 THE NOTARY: Make sure you let him
20 finish the question, please.

21 THE WITNESS: Okay.

22 Q. And you are currently the executive
23 director of Ohio HIDTA; is that correct?

24 A. Yes, sir.

25 Q. How long have you been the

1 executive director of Ohio HIDTA?

2 A. Since August 1 of 2009.

3 Q. Is that when you started, first
4 started working for Ohio HIDTA?

5 A. Yes, sir.

6 Q. What are your responsibilities as
7 the executive director of Ohio HIDTA?

8 A. I manage the day-to-day operations
9 of the Ohio HIDTA, as far as the budget goes,
10 the performance of our initiatives or task
11 forces, that they are, you know, using the
12 funds as appropriated to them by the executive
13 board, and that we are complying with the
14 Office of National Drug Control Policy policy
15 and guidelines for the HIDTA program, period.

16 I don't know if it would help if I
17 gave a little bit of what HIDTA is. A lot of
18 people don't know what our function is. I
19 don't know if that would help.

20 Q. Yeah. We can turn right there. So
21 what is a High Intensity Drug
22 Trafficking Area --

23 A. We are a federal drug program
24 funded out of the Office of National Drug
25 Control Policy, or ONDCP, and our primary

1 dollars?

2 A. Give me a moment to do some math.

3 Q. Okay.

4 A. Yes.

5 Q. What is your estimate as to what
6 the range is of the amount of money --

7 A. Since I've been here, maybe 35
8 million to 40 million.

9 Q. Okay. And part of those funds
10 would be provided to task forces like No Left,
11 the agency that you described -- the task force
12 you described earlier today, correct?

13 A. Correct.

14 Q. All right. Let me talk a little
15 bit about retail pharmacies, okay?

16 A. Okay.

17 Q. Would you agree that no law
18 enforcement agency in your HIDTA has ever
19 identified Walmart to you as the cause of any
20 overdose death in your jurisdiction?

21 A. I have not ever been advised of
22 that.

23 Q. Would you agree that no narcotics
24 law enforcement agency in your HIDTA has ever
25 identified to you Walgreens, CVS or Rite Aid as

1 the cause of any overdose death in your
2 jurisdiction?

3 A. Yes.

4 Q. Would you agree that during the
5 HIDTA meetings that you have personally
6 attended at your HIDTA over your nine or ten
7 years, that no member law enforcement agency
8 has ever said that it was creating a task force
9 or wanted to create a task force to investigate
10 Walmart for causing any overdose-related death
11 in your jurisdiction?

12 A. Yes.

13 Q. And would you agree that during
14 those HIDTA meetings that you have personally
15 attended, no member of a law enforcement agency
16 has ever said that it wanted to create a task
17 force to investigate CVS, Rite Aid or
18 Walgreens, correct?

19 A. Correct.

20 Q. Would you agree that during your
21 tenure with the Ohio HIDTA, your HIDTA never
22 sought any funding to prosecute any actions
23 taken by Walmart?

24 A. That's correct.

25 Q. And would you agree that during

1 your tenure with the Ohio HIDTA, your HIDTA
2 never sought any funding to prosecute any
3 actions taken by Walgreens, CVS or Rite Aid?

4 A. Yes, I would agree.

5 Q. All right. So let's talk about
6 prescription opioids.

7 In some of the earlier questioning
8 with Mr. Raiola, there was some questions about
9 prescription medication being crushed into
10 powder and either snorted or injected via --

11 A. Yes.

12 Q. -- via like an IV needle, correct?

13 A. Correct.

14 Q. All right. And based on your
15 experience and your understanding and your
16 discussions with the folks in your member
17 HIDTA, individuals may choose to do that
18 because it might increase the high from the
19 narcotic?

20 A. That's my understanding.

21 Q. And based on your knowledge, it
22 also might increase the risk of a potential
23 overdose?

24 A. I believe so.

25 Q. Based on all the narcotics

1 investigations that you have discussed in your
2 HIDTA, have you ever heard that any Walmart
3 pharmacist instructed anyone that they should
4 crush their opioid pills and snort them?

5 A. No, I have not.

6 Q. Have you ever heard that any
7 Walmart pharmacist instructed anyone that they
8 should crush their opioid pills and inject
9 them?

10 A. No.

11 Q. Have you ever heard that any
12 pharmacies at Walgreens, CVS or Rite Aid ever
13 instructed anyone that they should crush their
14 opioid pills to either snort them or inject
15 them?

16 A. No.

17 Q. Would you agree that some people
18 may decide to take prescription opioids in
19 greater amounts than prescribed by their
20 doctors?

21 A. I guess.

22 Q. For example, a doctor might
23 prescribe taking one pill every eight hours,
24 and then an individual elects to take three
25 pills every four hours, right?

1 A. Yes. Correct.

2 Q. Taking more pills than prescribed
3 increases the risk of a potential overdose?

4 A. That's not my area of expertise,
5 you know, but, yes.

6 Q. So let me ask it this way: Based
7 on all the discussions that you have had with
8 the participating law enforcement narcotics
9 officers during your tenure as the director of
10 HIDTA, have you ever heard that any Walmart
11 pharmacist ever instructed anyone that they
12 should take their opioid medications in a
13 dosage that exceeded the prescribing doctor's
14 instruction?

15 A. No.

16 Q. Same question as to Walgreens, CVS
17 and Rite Aid --

18 A. No.

19 Q. -- during your tenure at the Ohio
20 HIDTA, has anyone ever mentioned to you that
21 pharmacists from either Walgreens, CVS or Rite
22 Aid ever instructed anyone they should take
23 their opioid medications in a dosage that
24 exceeded the prescribing doctor's instructions?

25 A. No.

1 2,000 they probably responded to.

2 Q. Okay. Based on the discussions
3 that you have been -- that you have had with
4 the executive committee members and the other
5 participating narcotics agents who operate in
6 your HIDTA, has your HIDTA ever taken any
7 action, based on anything that retail
8 pharmacies Walmart, Walgreens, CVS or Rite Aid
9 have ever said publicly about prescription
10 opiates?

11 A. The HIDTA has not, and that would
12 be from the HIDTA standpoint. I don't know
13 about from the investigative standpoint.

14 Q. Are you aware of any evidence,
15 based on your work for the Ohio HIDTA, that
16 suggests that anything that any retail pharmacy
17 said publicly about prescription opioids caused
18 the opioid crisis in Ohio?

19 A. I am not.

20 Q. Are you aware of any evidence,
21 based on your work for the Ohio HIDTA, that
22 suggests that anything that any retail pharmacy
23 said publicly about prescription opioids
24 contributed to the opioid crisis in Ohio?

25 A. I am not.

1 Q. To your knowledge, no one in your
2 HIDTA ever looked to any retail pharmacy for
3 guidance regarding the proper use of
4 prescription opioids?

5 A. Can you repeat that, please?

6 Q. Okay.

7 A. I'm sorry.

8 Q. Sure. To your knowledge, are you
9 aware of anyone in your HIDTA, any of the
10 participating agencies, any of the members of
11 the ex com, that ever looked to any retail
12 pharmacy for guidance regarding the proper use
13 of prescription opioids.

14 A. I am not.

15 Q. Can you identify a single example,
16 based on your tenure at the Ohio HIDTA, where
17 Walmart, Walgreens, CVS or Rite Aid filled a
18 prescription where the prescribing doctor did
19 not have a valid DEA registration?

20 A. I am not.

21 Q. Can you identify a single example
22 where Walmart, Walgreens, CVS or Rite Aid
23 improperly distributed prescription opioids in
24 your jurisdiction?

25 A. I cannot.

1 Q. Can you point to any specific
2 conduct by Walmart related to opioids that
3 caused harm in Cuyahoga County or Summit
4 County?

5 A. I cannot.

6 Q. Can you point to any specific
7 conduct by Walgreens, Rite Aid or CVS related
8 to opioids that caused any harm in Cuyahoga or
9 Summit County?

10 A. I cannot.

11 Q. Can you tie any opioid-related cost
12 in Ohio to specific acts conducted or directed
13 by Walmart, Walgreens, Rite Aid or CVS?

14 A. I cannot.

15 Q. All right. So let's talk about
16 that list of drugs that I went through a little
17 bit ago, cocaine, crack cocaine,
18 methamphetamine, ecstasy, LSD and K2.

19 A. Okay.

20 Q. And the next question is, can you
21 describe K2 and what it is?

22 A. It's a -- my understanding, it's a
23 synthetic manufactured form of marijuana.

24 Q. Would you agree that all of the
25 drugs that I just listed have been abused in

1 A. Fair, yes.

2 Q. And some of those street gangs
3 operated here in Ohio, correct?

4 A. Yes.

5 Q. In the counties that we have
6 discussed earlier today, Summit County and here
7 around Cleveland too, right?

8 A. Yes.

9 Q. And people became addicted to crack
10 cocaine in the 1980s, true?

11 A. That's true.

12 Q. And some overdosed and died, true?

13 A. Yes.

14 Q. All right. So based on your 30
15 years of experience in law enforcement and your
16 10-plus years here with the Ohio HIDTA, are you
17 aware of any evidence suggesting that Walmart
18 is somehow responsible for the rise of the
19 Medellin Cartel and the Cali Cartel in the late
20 1970s?

21 A. I am not.

22 Q. Are you aware of any evidence that
23 suggests that Rite Aid, Walgreens or CVS are
24 somehow responsible for the rise of the
25 Medellin Cartel and the Cali Cartel in the late

1 1970s?

2 A. I am not.

3 Q. Are you aware of any evidence that
4 suggests that Walmart, Walgreens, Rite Aid or
5 CVS are somehow responsible for the actions of
6 the Crips and Bloods in developing crack
7 cocaine and transporting it around the country
8 and selling it in places here, like Ohio?

9 A. I am not.

10 Q. Would you agree that it is an
11 absurd proposition to suggest that Walmart is
12 somehow responsibility for the rise of the
13 Medellin Cartel?

14 MR. O'BRIEN: Objection. Answer if
15 you can.

16 A. As I said earlier, I think, I don't
17 know where the blame exactly always is, but
18 there is a lot of different aspects that
19 introduced the various drugs that we have
20 talked about today into our society, and I
21 don't know if I'm in a position to say which
22 one did or didn't have a role in it. I don't
23 know. Speculation, I don't know, you know.

24 Q. Fair to say you are not aware of
25 any entity tying Walmart to Pablo Escobar and

1 Guzman Loera, who is also known as El Chapo,
2 right?

3 A. Correct.

4 Q. And over time, they partnered with
5 the Columbian cartels and opened their
6 marijuana network up to Columbian cocaine, and
7 then they were part of a hub of bringing
8 Columbian cocaine into the United States?

9 A. That's correct.

10 Q. And that was happening in the late
11 1980s and early 1990s, right?

12 A. Yes.

13 Q. Are you aware of any evidence to
14 suggest that Walmart, Rite Aid, CVS or
15 Walgreens are somehow responsible for the rise
16 of the Mexican drug trafficking organizations
17 that grew in the 1980s and 1990s?

18 A. No.

19 Q. Has anyone in law enforcement ever
20 suggested to you that Walmart, Rite Aid, CVS or
21 Walgreens are somehow responsible for these
22 Mexican drug trafficking organizations that
23 were bringing marijuana and cocaine into Ohio?

24 A. No.

25 Q. Okay. Heroin. The poppy plant

1 correct?

2 A. Yes, it does.

3 Q. And that leads to overdose
4 deaths --

5 A. Yes.

6 Q. -- here in Ohio as well, true?

7 A. Yes.

8 Q. Okay.

9 A. Excuse me one moment. I didn't
10 want to cough in your ear too much. Thank you.

11 Q. So based on your experience in
12 narcotics enforcement, Director Siegel, are you
13 aware of any evidence suggesting that Walmart,
14 CVS, Walgreens or Rite Aid are somehow
15 responsible for the rise of heroin smuggled
16 into the United States during the Vietnam War?

17 A. No.

18 Q. Are you aware of or has any law
19 enforcement officer ever suggested to you that
20 they are -- those retail pharmacies are
21 responsible for the rise of black tar heroin
22 and brown powder heroin being smuggled into
23 Ohio and the United States by Mexican drug
24 organizations?

25 A. No.